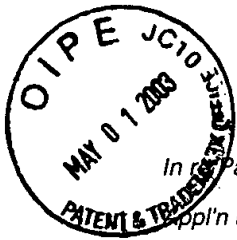


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Appl'n of: Ashley et al.

Att'y Ref. No.: 010041.02

Appl'n No.: 09/990,554

Filed: Nov. 21, 2001

Group Art Unit: 1623

Examiner: E. Peselev

Title: MOTILIDE COMPOUNDS

Mailing Address: Kosan Biosciences, Inc.
3832 Bay Center Place
Hayward, CA 94545SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

RECEIVED

MAY 05 2003

TECH CENTER 1600/2900

Commissioner for Patents

Washington, DC 20231

Sir:

This Second Supplemental Information Disclosure Statement ("SIDS") is submitted to the Patent Office in accordance with the duty of candor and good faith under 37 CFR §1.56. The Examiner is requested to consider the cited information in the examination of this application.

A Form PTO-1449 listing the cited information is enclosed in duplicate. The Examiner is requested to return an initialed and signed copy of the form, in accordance with MPEP §609.

05/01/2003 SSITHIB1 00000100 502544 09990554

01 FC:1806

180.00 CH

This SIDS is submitted under 37 CFR §1.97(c), that is, after the expiration of the period set in 37 CFR §1.97(b) but before the mailing of a final action under 37 CFR §1.113 or a notice of allowance under 37 CFR §1.311. The Commissioner is hereby authorized to charge the fee prescribed by 37 CFR §1.17(p) against Deposit Account No. 50-2544. A fee sheet confirming such authorization is enclosed.

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date given below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, DC 20231.

Name of person signing certificate: Nancy V ImpeySignature: Nancy V Impey Date: 4/28/03

O I P E J C I O E N T
MAY 01 2003
PATENT & TRADEMARK

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number 09/990,554
Filing Date November 21, 2001
First Named Inventor Ashley
Examiner Name E. Peselev
Art Unit 1623
Attorney Docket No. 010041.02

RECEIVED
MAY 05 2003
TECH CENTER 1600/2900

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-2544
Deposit Account Name Koscan Biosciences

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)				(\$)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	
Independent Claims	-3** =	X	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

Name (Print/Type) Yuan Chao
Registration No. 32,118
Telephone 510-731-5156
Signature *Yuan Chao*
Date MAY 28 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

U.S. Patent Documents

Document No.	Date	Name	Remarks
US 5,470,961	11/28/1995	Harada et al.	
US 5,854,407	12/29/1998	Harada et al.	
US 6,063,561	05/16/2000	Katz et al.	
US 6,136,961	10/24/2000	Dordick et al.	
US 6,271,255 B1	08/07/2001	Leadley et al.	
US 6,399,582 B1	06/04/2002	Hlasta et al.	
US 2002/0025936 A1	02/28/2002	Ashley et al.	See notes 1 and 2
US 2002/0192709 A1	12/19/2002	Carreras et al.	See note 1

Note 1: Co-pending, commonly assigned applications disclosed pursuant to MPEP §2001.06(b).

Note 2: A continuation of this application was been filed on Apr. 7, 2003, serial no. not yet available (attorney's docket no. 010029.07 US)

Foreign Patent Documents

Document No.	Date	Country	Remarks
WO 99/35157 A1	07/15/1999	PCT	

Other Documents

Document	Remarks
Pacey et al., "Novel Erythromycins from a Recombinant <i>Saccharopolyspora erythraea</i> Strain NRRL 2338 PIGI I. Fermentation, Isolation, and Biological Activity," J. Antibiotics 51 (11), 1029-1034 (Nov. 1998)	

The citation of a particular item of information is not intended to be, and should not be construed as, an admission that such item of information is material to patentability as defined in 37 CFR §1.56 or qualifies as "prior art" within the meaning of applicable law. The materiality and "prior art" status of any item of information is a matter to be resolved during examination.

Consideration of the cited information is respectfully requested.

An Associate Power of Attorney appointing the undersigned is enclosed.

Respectfully submitted,

Apr. 28, 2003
Date

Yuan Chao
Yuan Chao
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Telephone (510) 751-5156
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Sheet 1 of 1

Form PTO-1449	INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket No. (optional) 010041.02	Application Number 09/990,554
		Applicant: Ashley et al.	
		Filing Date: Nov. 21, 2001	Group Art Unit 1623

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	US 5,470,961	11/28/1995	Harada et al.	536	7.4	
	US 5,854,407	12/29/1998	Harada et al.	536	7.2	
	US 6,063,561	05/16/2000	Katz et al.	435	4	
	US 6,136,961	10/24/2000	Dordick et al.	536	7.5	
	US 6,271,255 B1	08/07/2001	Leadley et al.	514	450	
	US 6,399,582 B1	06/04/2002	Hlasta et al.	514	29	
	US 2002/0025936 A1	02/28/2002	Ashley et al.			
	US 2002/0192709 A1	12/19/2002	Carreras et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Translation enclosed?
	WO 99/35157 A1	07/15/1999	PCT			

OTHER DOCUMENTS (including author, title, date, pertinent pages, etc.)

Examiner Initial	Details of Document	Translation enclosed?
	Pacey et al., "Novel Erythromycins from a Recombinant <i>Saccharopolyspora erythraea</i> Strain NRRL 2338 PIGI I. Fermentation, Isolation, and Biological Activity," J. Antibiotics 51 (11), 1029-1034 (Nov. 1998)	

Examiner	Date considered
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EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP §609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.